AF/3761
NE
#13
NOP
11/19/3

Docket No.: KCC-15,512

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert Cosmo Di LUCCIO
Michael Allen DALEY
David Charles POTTS
Gregory Marc LEFKOWITZ
Jack Nelson LINDON
David Martin JACKSON
Matthew David YOUNG
Cheryl Ann MOCADLO
Candace Dyan KRAUTKRAMER

Group No.: 3761

Examiner:
C. Anderson

Serial No.: 09/859,665

Filing Date: 18 May 2001

Title: MENSES SPECIFIC ABSORBENT SYSTEMS

REQUEST FOR RECONSIDERATIOIN

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is in response to the Office Action mailed on 17 September 2003, in which Claims 1-6, 8-25, 27-42, 44 and 46-48 were finally rejected. Applicants'

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
10 November 2003

10 Nov. 2003
Date

Signature

claims are directed to a method for treating a viscoelastic fluid by an absorbent article, using a treatment chemistry, and an absorbent article which embodies the treatment chemistry. Independent Claims 1, 15, 27 and 32 recite that the treatment chemistry is:

> . . . selected from the group consisting of ionically cross-linking gelling agents, thickening agents, mucolytic agents, agglutinizing agents, plasma precipitators, lysing agents and combinations thereof.

As explained on page 6 of Applicants' specification, "gelling agents" are agents which increase the viscosity or elasticity of a fluid. "Mucolytic agents" are agents which decrease the viscosity or elasticity of a fluid. "Agglutinizing agents" are agents which alter the physical state of red blood cells. "Lysing agents" are agents which break apart red blood cells. "Plasma precipitators" cause rapid precipitation of blood plasma proteins.

The term "gelling agents" does not include gelling materials, such as superabsorbent materials, which form gels by themselves but do not alter the viscosity of a fluid. For instance, superabsorbent materials absorb water, but do not crosslink the water or otherwise change its viscosity. The gel structure of superabsorbents merely facilitates their absorption of water. Cross-linking gelling agents, by contrast, are substances which interact directly with a fluid such as menses, so as to increase its viscosity.

The foregoing difference is apparent in the case of water, which can be absorbed by a superabsorbent material up to many times the initial weight of the superabsorbent. When the superabsorbent material is squeezed using sufficient pressure, much of the water is released. The released water has the same viscosity as before, and the superabsorbent does not alter its viscosity.

The gelling agents used in the invention, by contrast, form an intricate part of the fluid network when exposed to a fluid such as menses. The fluid viscosity is increased by action of the gelling agent. The original fluid and gelling agent cannot then be separated from one another, or otherwise caused to revert to their original states.

Applicants' specification indicates that gelling agents and superabsorbents are different materials. In one embodiment (described in the paragraph traversing pp. 36-37), a superabsorbent is mixed with a gelling agent so as to increase the absorptive properties of an absorbent article. Applicants' claims also treat gelling agents and superabsorbents as different materials (See Claims 24, 27-28). As used by Applicants, the terms "gelling agent" and "superabsorbent" are mutually exclusive, and do not overlap. A gelling agent must increase the viscosity of a fluid being treated, whereas a superabsorbent may itself form a gel, but does not increase the viscosity of a fluid.

The rejection of Claims 1-3, 5, 6, 8, 9, 14-16, 18-21, 27, 32, 38-40, 44 and 46-48 under 35 U.S.C. §102(e) as anticipated by Gagliardi et al. (U.S. Patent 5,782,819) is respectfully traversed. Gagliardi et al. discloses the use of an "absorbent gelling material," such as a "super-sorber," in an absorbent structure (Col. 5, line 36 - Col. 6, line 37). The list of super-sorbers is directed to materials commonly known as superabsorbents. The superabsorbents form gel structures which aid in the absorption of aqueous liquids. However, these materials do not increase the viscosity of liquids which they absorb, such as water. Accordingly, the disclosed absorbent gelling materials do not constitute gelling agents as recited in Applicants' independent Claims 1, 15, 27 and 32. Furthermore, the reference does not disclose the other members of the Markush group recited in Claims 1, 15, 27 and 32 for the treatment chemistry.

The rejection of Claims 1-6, 8-12, 15-17, 21-25, 27-37, 41, 44 and 46-48 under 35 U.S.C. §102(e) as anticipated by Tanzer et al. (U.S. Patent 5,782,819) is respectfully traversed. Tanzer et al. discloses an absorbent body which includes "absorbent gelling materials, such as superabsorbents" (Col. 8, lines 8-45). Again, the disclosed materials form gels and absorb water, but do not change the viscosity of the water being absorbed. If the absorbent gelling material is squeezed, causing release of the liquid, the liquid would have the same viscosity as prior to absorption.

The absorbent gelling materials do not become part of the liquid, e.g., they do not crosslink the liquid so as to increase its viscosity. Accordingly, the disclosed absorbent gelling materials do not constitute gelling agents as recited in Applicants' Claims 1, 15, 27 and 32. Furthermore, the reference does not disclose the other members of the Markush group recited in Claims 1, 15, 27 and 32 for the treatment chemistry.

The rejection of Claims 13 and 42 under 35 U.S.C. §103(a) as obvious over Tanzer et al. in view of Beihoffer (U.S. Patent 6,159,591) is respectfully traversed. These claims depend from Claims 1 and 32, respectively, and are patentable for at least the same reasons. Biehoffer et al. is directed to a multicomponent superabsorbent material. As explained above, superabsorbent materials are gelling materials (which themselves form gels) but are not gelling agents (which cause another substance, such as a fluid to form gels).

In the "Response To Arguments," the Examiner stated that both Tanzer et al. and Gagliardi disclose an ionically crosslinked gelling agent. To the contrary, both references disclose gelling materials but do not disclose gelling agents. A gelling material is any material which crosslinks to form a gel. A gelling agent, by contrast, is a substance which causes another material, such as a liquid, to form a gel. Applicants' independent claims recite gelling agents which crosslink viscoelastic

fluids to increase their viscosity (Specification, p. 6; Claims 1, 15, 27 and 32). A gelling material such as a superabsorbent will not perform this function.

Applicants believe that the claims are in condition for allowance. For the foregoing reasons, Applicants respectfully request withdrawal of the claim rejections.

Respectfully submitted,

Maxwell J. Petersen
Registration No. 32,772

Pauley Petersen & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, Illinois 60195
TEL (847) 490-1400
FAX (847) 490-1403